

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 16-0725

DIANA R. DECOUTEAU,

Petitioner,

v

MONTANA FOURTH JUDICIAL DISTRICT
COURT, MISSOULA COUNTY, HONORABLE
JOHN W. LARSON, presiding,Respondent.

O R D E R
FILED

DEC 07 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

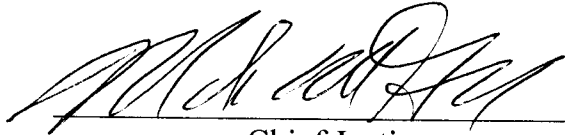
On December 6, 2016, Petitioner Diana R. Decouteau, appearing as a self-represented litigant, filed a petition for writ of supervisory control. She contends the District Court erred in denying her motion for continuance of the trial in her dissolution proceeding because she has had inadequate time to prepare for the trial and because discovery has not yet been completed. The trial is set for December 13, 2016, and she received notice of the trial setting on November 19, 2016. Decouteau requests that we reverse the District Court order denying her request for continuance and remand for further proceedings.

Supervisory control is an extraordinary remedy which may be justified when urgency or emergency factors exist making the normal appeal process inadequate. The issue presented on supervisory control must involve a purely legal question, and it must be demonstrated that the court is proceeding under a mistake of law and causing a gross injustice. M. R. App. P. 14(3). We conclude that Decouteau has not satisfied the requisites of Rule 14(3). A decision to deny a continuance is within the discretion of the trial court and is generally fact-based; thus, there is no pure mistake of law before us for consideration. Moreover, appeal—if necessary—is an adequate remedy. Therefore,

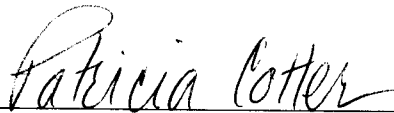
IT IS ORDERED that Decouteau's petition for writ of supervisory control is DENIED.

The Clerk of this Court is directed to provide immediate notice of this Order to Diana R. Decouteau at her last known address, to all counsel of record, and to Respondent Hon. John W. Larson, Montana Fourth Judicial District Court.

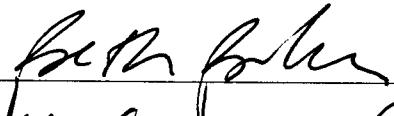
DATED this 7th day of December, 2016.

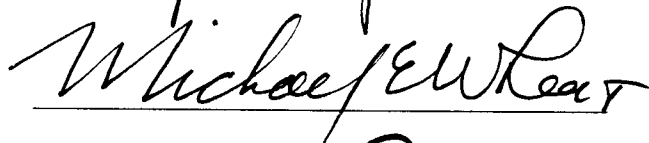


Chief Justice

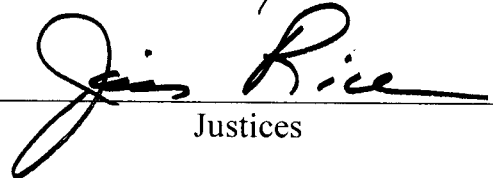


Patricia Potter





Michael E. Wheat



Justices